UNITED STATES PATENT AND TRADEMARK OFFICE

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10/675,653	09/30/2003	Jeyhan Karaoguz	14281US02	5800

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ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/675,653	KARAOGUZ ET AL.
		Examiner	Art Unit	
		La Juania N. Mouzon	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 November 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>05 November 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is in response to Applicant's Amendment filed 11/05/2007.

Claims 1-30 are pending.

Drawings

2.   The drawings were received on 11/05/2007. These drawings are accepted.

Specification

3.   Applicant's amendments to the specification filed on 11/05/2007, have been fully

considered and are persuasive. The objections to the specification have been

withdrawn.

Claim Objections

4.   Claim 2 is objected to because of the following informalities: Line(s) 2, should

read, "... comprising receiving said requested **of** at least a portion of said one or more

of said newly available media, data and service by..." Appropriate correction is

required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-7, 9, 11-17, 19, 21-27, 29 are rejected under 35 U.S.C. 102(b) as being

anticipated by Kikinis (US 5,644,714).

7.   In regards to claims 1, 11, and 21 Kinkinis discloses, a method, a machine-

readable storage having stored thereon, a computer program having at least one code

section for communicating information in a distributed media network, the at least one

code section being executable by a machine for communication of information in a

distributed media network, a system for communication of information in a distributed

media network, and a method comprising:

   a.   detecting availability by at least one media processing system **(Fig. 1A.**

#1) in the distributed media network **(Fig. 1A)**, of one or more of newly available

media, data and service within the distributed media network **(Col. 5 line(s) 16-**

20, teach the file server's (media processing system) control routine

recognizing (detecting) that a new clipping has been loaded.);

   b.   comparing by said at least one media processing system, said one or

more of said newly available media, data and service with data in a media profile

associated with said at least one media processing system **(Fig. 2 #42 and Col.**

5 line(s) 34-38, teach the file server comparing subscribers profiles to the

newly loaded clippings, for identifying which subscriber has interest.); and

   c.   requesting at least a portion of said one or more of said newly available

media, data and service from the distributed media network based on said

comparison by said at least one media processing system **(Fig. 2 #52 and Col. 5**

line(s) 55-57, teach the subscriber requesting a download of the new

clipping, after receiving a notification based on their profile that it is

available.).

8.   In regards to claims 2, 12, and 22 Kinkinis discloses, comprising receiving said

requested at least a portion of said one or more of said newly available media, data and

service by said at least one media processing system, if said one or more of said newly

available media, data and service matches said data in said media profile associated

with said at least one media processing system **(Fig. 2 #42 and Col. 5 line(s) 34-38,**

teach the file server comparing subscribers profiles to the newly loaded

clippings, for identifying which subscriber has interest. Then sending to the

subscribers identified a notification. From the notification the subscriber is

selecting to download. Therefore they are only receiving the new clipping if it

matched their profile.).

9.   In regards to claims 3, 13, and 23 Kinkinis discloses, wherein said data in said

media profile associated with said at least one media processing system is predefined

(Col. 4 line(s) 17-20 and 57 -60, teach that the data from the profile is associated

with at least one predefined file server (one media processing system).).

10.   In regards to claims 4, 14, and 24 Kinkinis discloses, dynamically updating data

in said media profile associated with said at least one media processing system **(Col. 4**

line(s) 10-13, teaches the user (media) profile being dynamically updated that is

associated with at least one media processing system.).

11.   In regards to claims 5, 15, and 25 Kinkinis discloses, polling at least one of a plurality of network components in the distributed media network for said one or more of said newly available media, data and service **(Col. 4 line(s) 17-20, teaches the client can poll at least one of a plurality of network components for the new media from the distributed media network.)**.

12.   In regards to claims 6, 16, and 26 Kinkinis discloses, wherein said at least one of said plurality of network components **(Fig. 1A and Col. 3 line(s) 22-33, teaches a plurality of network components.)** comprises one or more of is a personal computer **(Col. 3 line(s) 29-33, teaches that other architectures can be used therefore a personal computer is implied.)**, a server **(Fig. 1A #5 and Col. 3 line(s) 24)**, a content provider **(Fig. 1A #3 and Col. 2 line(s) 49-52, teaches the system having content providers (file servers).)** and a media processing server **(Col. 3 line(s) 56-62, teaches servers being media processing servers.)**.

13.   In regards to claims 7, 17, and 27 Kinkinis discloses, comprising receiving an indication by said at least one media processing system of said availability of said one or more of said newly available media, data and service within the distributed media network subscribing **(Fig. 2 #42 and Col. 5 line(s) 34-38, teach the file server comparing subscribers profiles to the newly loaded clippings, for identifying which subscriber has interest. Then sending to the subscribers identified a notification.)**.

14.   In regards to claims 9, 19, and 29 Kinkinis discloses, initiating receiving of said one or more of said newly available media, data and service based on a user selection after said receiving of said indication **(Col. 4 line(s) 14-24)**.

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

17.   Claims 8 , 18, 10, 20, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,644,714) as applied to claims 1, 11, 21 above, and further in view of Schwartz et al. (US 5,913,032).

18.   In regards to claims 8, 18, and 28 Kinkinis do not teach, wherein said detecting comprises searching by said at least one media processing system of at least another media processing system in the distributed media network for said one or more of said newly available media, data and service.

19.   In the same field of endeavor Schwartz et al. teach a publisher and subscriber system that allows users to share data objects among application processes. This is done by allowing the Object Exchange module to poll (search) for data, including new data that has been posted, at other systems **(Col. 6 line(s) 36-40, Col. 11 line(s) 21-26)**.

20.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinkinis video collection and distribution system with interested item notification and download on demand with Schwartz et al. teaching as discussed above to allow for the capability of allowing users to receive updates of items when changes or new items are available to allow all users to be updated in a timely manner.

21.   In regards to claims 10, 20, and 30 Kinkinis do not teach, wherein said detecting comprises polling at least another media processing system for said one or more of said newly available media, data and service within the distributed media network, and wherein said at least another media processing system is authorized for said polling by said at least one media processing system.

22.   In the same field of endeavor Schwartz et al. teach a publisher and subscriber system that allows users to share data objects among application processes. This is done by allowing the Object Exchange module to poll for data, including new data that has been posted, at other systems **(Col. 6 line(s) 36-40, Col. 11 line(s) 21-26)**. The

polling frequency is setup by users, therefore the system has authorized for polling

other systems **(Col. 13 line(s) 18-24)**.

23.   Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Kinkinis video collection and distribution system

with interested item notification and download on demand with Schwartz et al. teaching

as discussed above to allow for the capability of allowing users to receive updates of

items when changes or new items are available to allow all users to be updated in a

timely manner.

Response to Arguments

24.   Applicant's arguments filed 11/15/2007 have been fully considered but they are

not persuasive. See above rejection.

Conclusion

25.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM

JASON CARDONE
SUPERVISORY PATENT EXAMINER